

SENTENCING COMMISSION MINUTES

Committee	Utah Sentencing Commission
Date	Wednesday, August 5, 2015
Time	Noon – 2 p.m.
Location	Utah State Capitol, Senate Caucus Room
Members Present	Patrick Anderson, Chyleen Arbon, Craig Barlow, Paul Boyden, Susan Burke, Judge Michele Christiansen, Rollin Cook, Sen. Gene Davis, Al Emery, Scott Garrett, Ron Gordon, Judge Thomas Low, Judge Julie Lund, Richard Mauro, Rep. Marc Roberts, Peter Stirba, Judge Vernice Trease
Members Excused	Shima Baradaran, Chief Craig Black, Darin Carver, Rachelle Hill, Judge Scott Johansen, Rep. Brian King, Senator Dan Thatcher, Sheriff James Tracy, Pam Vickrey, Christina Zidow
Staff & Visitors	Staff: Jo Lynn Kruse, Holly Langton, Sofia Nystrom, Ned Searle, Doreen Weyland Visitors: Susan Allred, Judge Mark Andrus, Dan Blanchard, Nathan Brady, Len Engel, Gerri Miller-Fox, Mike Haddon, Judge McCullagh, Debra Moore, Rick Schwermer
Agenda Item	Welcome – Approval of Minutes
Notes	Peter Stirba called the meeting to order and welcomed everyone. Richard Mauro made the motion to approve the June minutes. Patrick Anderson seconded the motion which passed unanimously .
Agenda Item	Review & Approval of 2015 Adult Sentencing Guidelines
Notes	<p>Jennifer reviewed the changes made to the guidelines, most of which have been approved by previous vote. Judge Low took issue with the lack of funding available for treatment. Doreen Weyland, JRI Coordinator for CCJJ, spoke about an RFP for a grant, in which county sheriffs are encouraged to apply, that was released on Monday, August 3. There are 4.5 million dollars appropriated for local authorities for treatment. More information should be available by the end of September. Rollin Cook and Gerri Miller-Fox spoke about the difficulties of JRI implementation on October 1st without receiving funding until after the next legislative session, approximately this time next year.</p> <p>Judge Trease made the following motion to change wording under Presentence Investigations, on page ten, to read: Ideally, pursuant to best practices, presentence investigations by AP&P would be conducted on offenders convicted of a felony level offense or Class A offense and identified as moderate or high risk to reoffend by a validated screening tool such as the LSI-SV. The presentence investigation would then include administration of a validated risk and needs assessment tool such as the LS-RNR and other assessment(s) as appropriate to assist in structuring supervision and treatment accordingly. If an offender is identified as low risk on the LSI-SV, a full validated risk assessment is generally not warranted, either by AP&P or another supervising agency (as supervision services should generally not be targeted towards low risk offenders). Craig Barlow seconded the motion which passed with one no vote from Rollin Cook.</p> <p>Judge Michele Christiansen made the motion to approve the 2015 Utah Sentencing Guidelines. Ron Gordon seconded the motion which passed unanimously.</p> <p>Ron thanked the Commission for their diligent work on the guidelines and particularly to Jennifer who has spent countless hours on this endeavor. This has been a monumental task.</p>
Agenda Item	Prioritization/Discussion of Legislative Issues/Anomalies Subcommittee (tape 1:07)
Notes	<p>Judge McCullagh noted the following matrixes: the DUI matrix, the general/traffic matrix, the Drug and ETOH (other than DUI) matrix and the Domestic Violence Matrix.</p> <p>The Judge stated that where the only term of a sentence is a fine, probation is inappropriate. Sufficient avenues exist to collect criminal accounts receivable. The threat of jail should not be used to coerce collection of a criminal accounts receivable. The Commission recommends that the legislature remove criminal accounts receivable from probation terms under 77-18-1, with the exception of court ordered restitution. Judge McCullagh will work with Senator Thatcher on this legislation.</p> <p>Paul Boyden discussed H.B. 240, <i>Judicial Discretion In Sentencing Amendments</i>, sponsored by Rep. Kay McIff. Paul stated that the words “shall <u>not</u>” have been changed to “may <u>not</u>” on lines 39 through 41 as stylistic clean up. The changes to 77-18-4 are a very serious policy change as they allow the court to reduce the minimum term of imprisonment by as much as 50%. This is of concern to prosecutors as it would allow a judge to sentence a person to prison with a minimum term of six months on a second degree felony when the court could sentence to jail for twice that long as a condition of probation. This would also reduce the minimum terms in sex offenses against children in a confusing fashion. There is an effort by CCJJ to work with Rep. McIff on the several issues raised by this bill including the related issue of a diagnostic unit.</p>

	<p>Paul also presented <i>Criminal Law Amendments</i>, a SWAP discussion drafted 8-3-15. It deals with several issues pending after HB348, including language corrections for leaving the scene of an accident, the affirmative defense for trespass, restricted person status for persons on probation for simple possession of marijuana, and eligibility restrictions for DORA funding.</p> <p>An Anomalies subcommittee meeting should be scheduled to discuss these bills. Jennifer will send out a doodle poll so that a date can be set for the meeting.</p>
Next Meeting	The next full meeting of the Sentencing Commission will be on October 7, 2015 at noon, Utah State Capitol Bldg, Senate Caucus Room.

Minutes prepared by Jo Lynn Kruse – Administrative Assistant, CCJJ